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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/017,329	02/02/1998	RYUICHI MATSUKURA	1083.1049/JD	8159

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EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 11/22/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/017,329

Applicant(s)

MATSUKURA, RYUICHI

Examiner

Jason D Cardone

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Attached Office Action*.

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to the amendment of the applicant (Paper No. 22) filed on 9/13/02. Claims 1-11 and 16-21 presented for further examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooki, U.S. Patent No. 5,991,846, in view of Bouve et al. "Bouve", U.S. Patent No. 6,385,622.

4. Regarding claim 1, Ooki discloses a computer network system in which plural connecting means capable of connecting and disconnecting a computer is provided in a network circuit to which a first computer has been connected, and a second computer is connected to one of the connecting means [Ooki, col. 1, line 55 - col. 2, line 22 and col. 3, lines 1-25], wherein

the first computer comprises resource information managing means for managing information relating to resources, which are usable through the network circuit, and resource information processing means for taking out the content of the resource information managing means in response to a request of information relating

to usable resources from another computer, and transmitting to the network circuit [ie. printer selection unit with printer information storage unit, Ooki, col. 3, lines 39-61 and col. 4, lines 11-63];

the second computer comprises resource setting means for setting the resource according to the content of the resource information transmitted by the resource information processing means of the first computer [Ooki, col. 3, lines 16-47], and;

when the second computer is connected to the network circuit through any one of the plural connecting means, the resource setting means receives the content of the resource information transmitted by the resource information processing means of the first computer and sets the resource [Ooki, col. 3, lines 39-61 and col. 4, lines 11-63].

Ooki does not specifically disclose information including a position in the real world for each of the resources. However, Bouve, in the same field of endeavor, discloses information storage that includes a position in the real world for each of the resources [ie. services/resources, Bouve, col. 1, line 61 - col. 2, line 64, col. 3, lines 23-32, col. 5, lines 14-21 and 53-62, col. 8, line 63 - col. 9, line 13 and col. 13, lines 11-24]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the physical location of the resource, taught by Bouve, in to the printer system, taught by Ooki, since Bouve suggests a database similar to the printer information storage unit disclosed by Ooki [Ooki, col. 3, lines 39-61 and col. 4, lines 11-63] can be used to hold the physical position in the real world for each of the resources. One of ordinary skill in the art would have been motivated to modify Ooki to include the location specific managing of the resources in view of Bouve,

so that the user can select a printer by location. Therefore, it would have been obvious to combine Ooki and Bouve (Ooki-Bouve) to obtain the invention as specified in claim 1.

5. Regarding claim 2, claim 2 has similar limitations as claim 1 and additional limitations of a resource installation position managing means for managing the position at which the resource managed by the resource information managing means exists and selecting an arbitrary resource. Therefore, the similar limitations are disclosed under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1]. Also, Ooki-Bouve further discloses the resource installation position managing means for managing the position at which the resource managed by the resource information managing means exists and selecting an arbitrary resource [Ooki, col. 3, lines 39-61 and col. 4, lines 11-63] [Bouve, col. 3, lines 23-32, col. 5, lines 14-21, and col. 8, line 63 - col. 9, line 13].

6. Regarding claim 3, claim 3 has similar limitations as claim 1 and additional limitations of a resource information holding means for holding the resource information relating to the resources that can be managed directly and comparing means for comparing the content of the resource information holding means and the content of the resource information managing means of the first computer, detecting a replaceable resource. Therefore, the similar limitations are disclosed under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1]. Also, Ooki-Bouve further discloses resource information holding means for holding the resource information

relating to the resources that can be managed directly and comparing means for comparing the content of the resource information holding means and the content of the resource information managing means of the first computer, detecting a replaceable resource [Ooki, col. 3, lines 39-61 and col. 4, lines 11-63] [Bouve, col. 3, lines 23-32,].

7. Regarding claim 4, claim 4 has similar limitations as claim 1. Therefore, it is rejected under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1].

8. Regarding claim 5, claim 5 has similar limitations as claim 1 and additional limitations of a resource information holding means for holding the resource information relating to the resources that can be managed directly and comparing means for comparing the content of the resource information holding means and the content of the resource information managing means of the first computer, detecting a replaceable resource. Therefore, the similar limitations are disclosed under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1]. Also, Ooki-Bouve further discloses resource information holding means for holding the resource information relating to the resources that can be managed directly and comparing means for comparing the content of the resource information holding means and the content of the resource information managing means of the first computer, detecting a replaceable resource [Ooki, col. 4, lines 11-63] [Bouve, col. 5, lines 14-21, and col. 8, line 63 - col. 9, line 13].

9. Regarding claim 6, claim 6 has similar limitations as claim 1 and additional limitations of a resource updating means for updating the content of the resource information managing means when receiving an updated resource. Therefore, the similar limitations are disclosed under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1]. Also, Ooki-Bouve further discloses a resource updating means for updating the content of the resource information managing means when receiving updated resource information [Ooki, col. 4, lines 11-63] [Bouve, col. 3, lines 23-32, col. 5, lines 14-21, and col. 8, line 63 - col. 9, line 13].

10. Regarding claims 7-9, claims 7-9 have similar limitations as claim 1. Therefore, they are rejected under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1].

11. Regarding claims 10 and 11, claims 10-11 has similar limitations as claim 1 and additional limitations of a resource noticing means for noticing the content of the resource information managing means and updating resource information registering means by receiving the updated resource information from the computer. Therefore, the similar limitations are disclosed under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1]. Also, Ooki-Bouve further discloses a resource noticing means for noticing the content of the resource information managing means and updating resource information registering means by receiving the updated resource

information from the computer [Ooki, col. 4, lines 11-63] [Bouve, col. 3, lines 23-32, col. 5, lines 14-21, and col. 8, line 63 - col. 9, line 13].

12. Regarding claims 16-21, claims 16-21 have similar limitations as claim 1. Therefore, they are rejected under Ooki-Bouve for the same reasons set forth in the rejection of claim 1 [Supra 1].

### ***Response to Arguments***

1. Applicant's arguments filed 9/13/02 have been fully considered but they are not persuasive. In the remarks, Applicant argued in substance that:

2. (A) The invention of Ooki employs only one computer.

As to point (A), during patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Ooki discloses a host computer or a printer server connected to a network. The computer contains printer storage unit (first computer) and a user-interface supply unit (second computer) [Ooki, col. 2, line 58 – col. 3, line 15]. The units contain memory and processors [Ooki, col. 3, lines 8-15 and col. 4, lines 11-28].



3. (B) Unlike the printers 5a-5c of the present invention, the actual "items of interest" of Bouve are not connected to the user's computer.

As to point (B), it is noted that the features upon which applicant relies (i.e., physical printers in a certain location) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claimed invention does not disclose the printers of 5a-5c. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is the combination of Ooki-Bouve to obtain the invention as specified in the instant claims.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone, whose telephone number is (703) 305-8484.


The examiner can normally be reached on Monday through Thursday from 9:00am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703.

The fax numbers for the organization where this application or proceeding is assigned are as follows: (703) 746-7238 (After Final Communications)

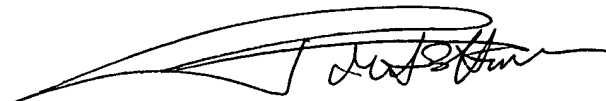
(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, Draft Communications)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is (703) 305-3900.



Jason D. Cardone  
November 18, 2002



**ROBERT B. HARRELL**  
**PRIMARY EXAMINER**